

### REMARKS

Pending in the present application were claims 1-3, 5-16, 18-20 and 26-32 of which claims 1 and 16 are independent claims. In the Office Action, claims 1-3, 5-11, 13-16, 18-20, 29 and 31-32 were rejected under 35 U.S.C. § 102(b) as anticipated, or alternatively under 35 U.S.C. § 103(a) as unpatentable over Aoyagi et al. (U.S. 6,222,704 B1), and claims 12, 26-28 and 30 were rejected under 35 U.S.C. § 103(a) as unpatentable over of Aoyagi et al. in view of Nakamura et al. (U.S. 6,212,043 B1). With this Amendment, claims 1, 16, and 19 are amended. In reliance on the foregoing amendments and the following remarks, the present application containing claims 1-3, 5-16, 18-20 and 26-32 is in condition for allowance, and reconsideration and notice to that effect is respectfully requested.

### **Claim Rejections**

1. Aoyagi et al., 35 U.S.C. §§ 102(b), 103(a): Claims 1-3, 5-11, 13-16, 18-20, 29 and 31-32

Independent claims 1 and 16 have been amended to traverse the rejections under 35 U.S.C. § 102(b) based on Aoyagi. For a claim to be anticipated, each and every element as set forth in the claim must be found in a single prior art reference. *See* M.P.E.P. § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987)). Aoyagi does not anticipate claims 1 and 16, as each claim recites at least one element not found therein.

Claim 1 has been amended to clarify that the hinge component comprises a first structural damping material having a damping capacity greater than approximately 0.02 and the gimbal component comprises a second structural damping material having a damping capacity greater than approximately 0.02. The load beam (23) including a hinge (27) and lead layer (24) including a gimbal 24B disclosed in Aoyagi are made of stainless steel (column 3, lines 23-24). As described with reference to the present invention, "conventional stainless steel such as the commercially available SST302 has a damping capacity  $\zeta = 0.005$ ," which is less than 0.02. *See* U.S. Application No. 10/788,863 p. 12, lines 22-26. Therefore, Aoyagi does not anticipate claim 1, because it fails to disclose, teach or suggest each and every element found therein.

Claim 16 has been amended to clarify that the hinge component consists

essentially of a first structural damping material having a damping capacity greater than approximately 0.02. The load beam (23) including a hinge (27) disclosed in Aoyagi is made of stainless steel (column 3, lines 23-24). As described with reference to the present invention, “conventional stainless steel such as the commercially available SST302 has a damping capacity  $\zeta = 0.005$ ,” which is less than 0.02. *See* U.S. Application No. 10/788,863 p. 12, lines 22-26. Therefore, Aoyagi does not anticipate claim 16, because it fails to disclose, teach or suggest each and every element found therein.

In addition to not being anticipated by Aoyagi, amended claims 1 and 16 are not obvious over Aoyagi under 35 U.S.C. § 103(a). Claims 1 and 16 recite head suspension assemblies including a hinge component and/or a gimbal component comprising a damping material having a damping capacity greater than approximately 0.02. Aoyagi discloses a hinge component and a gimbal component made from stainless steel. As explained with reference to the present invention “[c]onventionally, hinge components and gimbal components in head suspension assemblies are made from stainless steel materials with little inherent damping capacity.” U.S. Application No. 10/788,863 p. 9, lines 4-6. “[C]onventional stainless steel such as the commercially available SST302 has a damping capacity  $\zeta = 0.005$ .” U.S. Application No. 10/788,863 p. 12, lines 22-26. Therefore, Aoyagi teaches away from claims 1 and 16 by disclosing, teaching, and suggesting conventional hinge and gimbal components made from a material having a damping capacity less than 0.02.

2. Aoyagi et al. in view of Nakamura et al., 35 U.S.C. § 103(a): Claims 12, 26-28 and 30

The foregoing amendments to claims 1 and 16 traverse the rejections based on Aoyagi. Nakamura does not disclose, teach or suggest the elements of amended claims 1 and claim 16 missing from Aoyagi. Therefore, claims 12, 26-28 and 30 are patentable over Aoyagi in view of Nakamura under 35 U.S.C. § 103(a), as claims 12 and 26 and claims 27, 28 and 30 depend from patentable independent claims 1 and 16 respectively.

CONCLUSION

Claims 1 and 16 have been amended to traverse the rejections under 35 U.S.C. §§ 102(b), 103(a) based on Aoyagi et al, and the rejection under 35 U.S.C. § 103(a) based on

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Aoyagi et al. in view of Nakamura et al. Claims 2, 3, 5-15, 26 and 32 depend from claim 1 and are allowable therewith. Claims 18-20 and 27-31 depend from claim 16 and are allowable therewith. In addition, the combinations of features recited in claims 2, 3, 5-15, 18-20 and 26-32 are independently patentable, although this does not need to be specifically addressed herein since any claim depending from a patentable independent claim is also patentable. See M.P.E.P. § 2143.03 (citing *In re Fine*, 5 U.S.P.Q.2d (BNA) 1596 (Fed. Cir. 1988)). Therefore, the present application containing claims 1-3, 5-16, 18-20 and 26-32 is in condition for allowance and notice to that effect is respectfully requested.

Respectfully submitted,  
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